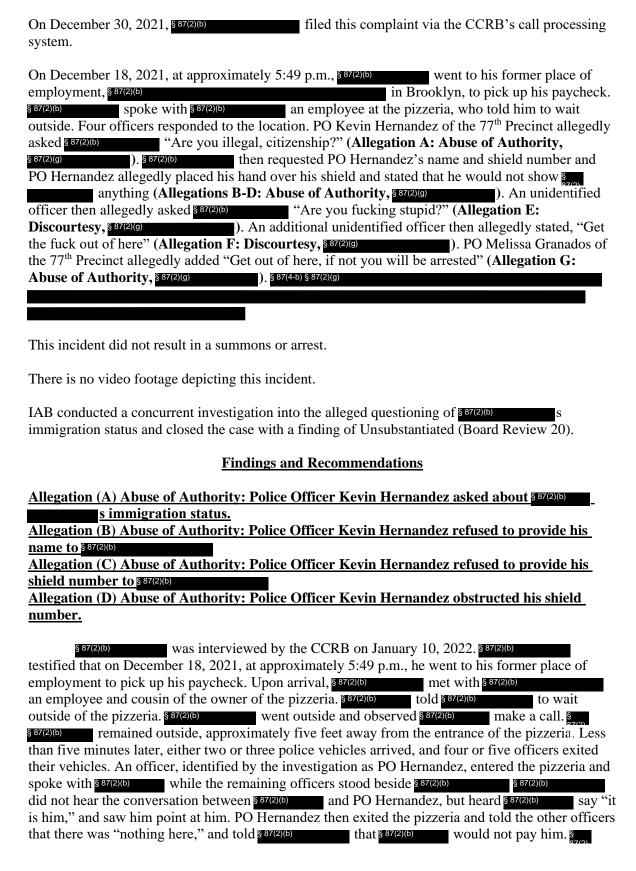
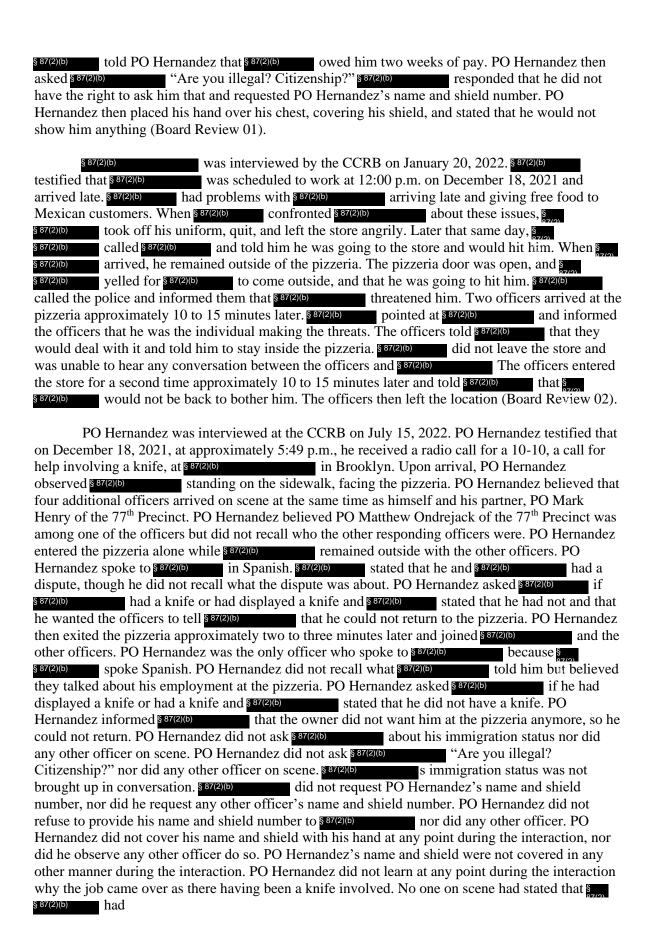
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ For	rce	√ I	Discourt.	☐ U.S.
Annette Rodriguez		Squad #8	202200001	✓ Ab	use		O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Preci	nct:	18 N	Io. SOL	EO SOL
Saturday, 12/18/2021 5:49 PM		§ 87(2)(b)		7'	7	6/1	8/2023	6/18/2023
Date/Time CV Reported		CV Reported At:	How CV Reported:	Dat	e/Time	Receiv	ed at CCF	RB
Thu, 12/30/2021 8:02 AM		CCRB	Call Processing System	Thu	, 12/30/	2021	8:02 AM	
Complainant/Victim	Туре	Home Addro	ess					
With a series		II Add						
Witness(es)		Home Addro	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. PO Melissa Granados	04360	970562	077 PCT					
2. PO Mark Henry	06715	948046	077 PCT					
3. PO Kevin Hernandez	07459	966620	077 PCT					
4. An officer								
5. An officer								
Witness Officer(s)	Shield N	Tax No	Cmd Name					
1. PO Matthew Ondrejack	02668	956989	077 PCT					
2. PO Gerber Lizardo	15063	960814	077 PCT					
3. PO Zaid Riaz	28495	967292	077 PCT					
4. PO John Polacsek	24323	946126	077 PCT					
5. SGT Jonathan Cotter	05048	953785	077 PCT					
Officer(s)	Allegation	on			Inves	stigate	or Recon	nmendation
A.PO Kevin Hernandez	Abuse: F	Police Officer Kevin Her	rnandez asked about ation status.					
B.PO Kevin Hernandez		Police Officer Kevin Here to § 87(2)(b)	rnandez refused to pr	ovide				
C.PO Kevin Hernandez		Police Officer Kevin He I number to ^{§ 87(2)(5)}	rnandez refused to pr	ovide				
D.PO Kevin Hernandez	Abuse: F number.	Police Officer Kevin Her	rnandez obstructed h	is shield				
E. An officer	Discourt	esy: An Officer spoke d	iscourteously to § 87(2)(b)				
F. An officer	Discourt	esy: An Officer spoke d	iscourteously to § 87(2)(b)				
G.PO Melissa Granados	Abuse: F § 87(2)(b)	Police Officer Melissa G	ranados threatened t	o arrest				
§ 87(4-b) § 87(2)(g)								

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)	_	

Case Summary



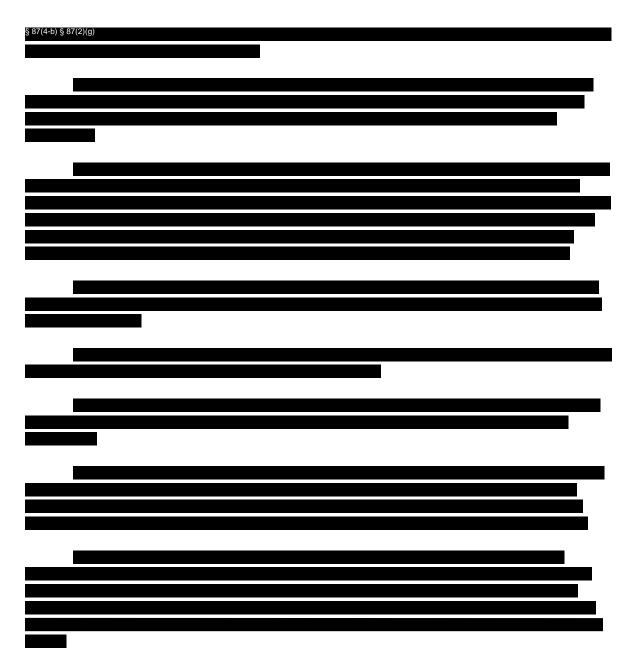


threatened anyone. § 87(2)(b) then voluntarily left the scene. All officers on scene then left the location as well. PO Hernandez testified that he activated his BWC during this incident but stated that when he attempted to review the footage in March of 2022, for his GO-15 interview, he realized that the footage had expired and was therefore deleted. PO Hernandez was not aware if there was anything documenting this. PO Hernandez was unaware as to when the footage was deleted or by whom. The system showed that there was no footage listed for the incident date. (Board Review 03). PO Granados testified that she heard the neighboring sector receive a call for a 10-10, possible crime in progress involving a knife. Being that the call involved a weapon, PO Granados and her partner, PO Zaid Riaz of the 77th Precinct, decided to back up the responding unit. PO Granados did not recall if any officer asked about his immigration status. PO Granados did not recall if an officer asked "Are you illegal? Citizenship?" PO Granados did not recall if \$87(2)(b) brought up the topic of his immigration status. PO Granados did not recall if \$87(2)(6) requested the name and shield number of any officer on scene. PO Granados did not recall if any officer on scene refused to provide their name or shield number to any civilian. PO Granados did not recall if any officer covered their name and shield with their hand or in any other manner (Board Review 04). § 87(2)(g) PO Henry testified that he and PO Hernandez entered the pizzeria and PO Hernandez spoke with \$87(2)(b) who was working behind the counter, in Spanish. PO Henry did not speak Spanish. \$87(2)(b) stated that he called for police would not leave. PO Henry did not know how long \$87(2)(b) been standing outside of the pizzeria. PO Henry and PO Hernandez then exited the pizzeria. PO Hernandez explained to § 87(2)(b) in Spanish, that he needed to leave and could not harass stated that he just wanted his check. PO Henry did not ask about his immigration status at any point during this interaction, nor did any other officer. PO Henry did not ask \$37(2)(b) "Are you illegal? Citizenship?" nor did any other s immigration was not brought up in conversation at any point. did not bring up the topic of his immigration status himself. §87(2)(b) did not request the name and shield number of any officer on scene. No officer on scene refused to provide their name and shield nor did they cover them in any way. §87(2)(6) then left the location after being instructed to do so by PO Hernandez. PO Henry also instructed § 87(2)(b) in English (Board Review 05). Allegation (E) Discourtesy: An officer spoke discourteously to §87(2)(b) Allegation (F) Discourtesy: An officer spoke discourteously to \$87(2)(b) Allegation (G) Abuse of Authority: Police Officer Melissa Granados threatened to arrest

CCRB Case # 202200001

stated that after he requested PO Hernandez's name and shield number, an

unidentified officer asked him, "Are you fucking stupid?" and then began laughing. \$\frac{367(2)(6)}{2}\$ described this officer as a black male standing at approximately 6'0" tall with a heavy build, weighing approximately 180-190 pounds. \$\frac{367(2)(6)}{2}\$ stated that another unidentified officer then stated, "Get the fuck out of here." \$\frac{367(2)(6)}{2}\$ described this officer as a black male standing at approximately 5'5" tall with an average build. A female officer, identified by the investigation as PO Granados, then told \$\frac{367(2)(6)}{2}\$ "Get out of here, if not you will be arrested." As \$\frac{367(2)(6)}{2}\$ walked away from the officers, he asked, "I am going to be arrested for coming to get my check?" \$\frac{367(2)(6)}{2}\$ then left the scene (Board Review 01).
PO Hernandez and PO Henry stated that they did not ask \$\frac{\$\frac{37(2)(b)}{2}}{2}\$ "Are you fucking stupid?" nor did they hear any other officer ask that question. Both officers did not tell \$\frac{37(2)(b)}{2}\$ to "Get the fuck out of here" nor did they hear any other officer make that remark. No officer on scene used any profanity towards \$\frac{37(2)(b)}{2}\$ No officer on scene told \$\frac{3}{2}\$ that he could be arrested. No officer on scene stated, "Get out of here, if not you will be arrested." There was nothing that \$\frac{37(2)(b)}{2}\$ could have been arrested for (Board Review 03 & 05).
PO Granados did not recall if she heard any officer tell \$87(2)(b) to "Get the fuck out of here." PO Granados did not recall if she told \$87(2)(b) that he could be arrested. PO Granados did not recall if she told \$87(2)(b) "Get out, if not you will be arrested" (Board Review 04).
The investigation requested MOS photographs of all officers that responded to the scene (Board Review 06-13). § 37(2)(b) s descriptions of both subject officers did not correspond to any officer that responded to the location on the date of the incident.
The investigation requested and received the Resource Recap Log which notes all the officers who responded to the scene (Board Review 14). PO Granados was the only female officer who responded to the scene.
§ 87(2)(g)
§ 87(2)(g)
§ 87(4-b) § 87(2)(g)
-



Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which \$87(2)(b) and and \$87(2)(b) have been a party.
- PO Hernandez has been a member of service for three years and this is the first CCRB complaint to which he has been a subject.
- PO Granados has been a member of service for one year and this is the first CCRB complaint to which she has been a subject.

Mediation, Civil, and Criminal Histories

• This complaint was not suitable for mediation.

As of May 31, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (Board Review 17).
 ISBN (2)(5) ISSN (4) ISSN (2)(6)

[3 01 (2)(0)] [33 00(1,10,0(-1),[3,01(-1,0)]		
Squad:	8		
Investigator:	Annette Rodriguez Signature	Annette Rodriguez Print Title & Name	08/04/2022 Date
Squad Leader:	Ethan De Angelo Signature	IM Ethan De Angelo Print Title & Name	8/4/2022 Date
Reviewer:	Signature	Print Title & Name	 Date